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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,270	02/06/2001	Eiji Mayumi	81868.0025	4482

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EXAMINER

PEREZ, GUILLERMO

ART UNIT PAPER NUMBER

2834

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,270

Applicant(s)

MAYUMI, EIJI

Examiner

Guillermo Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanazumi et al. in view of Takehara (U. S. Pat. 6,163,952).

Hanazumi et al. disclose a motor defining an axial direction, the motor comprising:

a plurality of core pairs (33A-B, 34A-B), each of the core pairs consisting of an inner core (34A-B) and an outer core (33A-B), arranged next to each other along the axial direction such that the inner cores (34A-B) are in contact with each other a coil (31A-B) wound around each of the core pairs (33A-B, 34A-B) and a case (41) formed from a magnetic material that covers the coils (31A-B) wherein the case (41) is fixed to at least the inner cores (34A-B) to form two independent magnetic circuits formed by the inner cores (34A-B), the case (41) and the outer cores (33A-B).

Hanazumi et al. disclose that each of the inner cores (34A-B) and each of the outer cores (33A-B) has teeth-like poles (36A-D), the teeth-like poles (36B-C) on the inner cores (34A-B) and the teeth-like poles (36A,D) on the outer cores (33A-B) are alternately disposed to face a rotor magnet of a rotor (39) that is disposed inside the plurality of core pairs (33A-B, 34A-B) and the case (41) is commonly affixed to outer

circumference sections of the inner cores (34A-B) and outer cores (33A-B) that form the plurality of core pairs (33A-B, 34A-B). Hanazumi et al. disclose that the case (41) is formed from a curled thin plate.

Hanazumi et al. disclose that connection terminals to supply current to the coils (31A-B) connected to the inner cores (34A-B) and the outer cores (33A-B), wherein the case (6A) has an arc-shape to leave an opening for the connection terminals (1D).

However, Hanazumi et al. do not disclose that the arc-shaped case has end sections, and the case and the inner cores are welded at welding spots at the end sections of the arc-shaped case and at a midpoint in the circumferential direction between the end sections of the arc-shaped case. Hanazumi et al. do not disclose that the case is welded to the outer cores.

Takehara discloses that the arc-shaped case (2) has end sections, and the case (2) and the inner cores (3) are welded at welding spots at the end sections of the arc-shaped case (2) and at a midpoint in the circumferential direction between the end sections of the arc-shaped case (2). Takehara's invention has the purpose of simplifying the manufacturing of the motor.

It would have been obvious at the time the invention was made to modify the motor of Hanazumi et al. and provide it with welding configuration disclosed by Takehara for the purpose of simplifying the manufacturing of the motor.

Referring to claims 1-6, no patentable weight has been given to the method of manufacturing limitations (i. e. "welding") since "even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the

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product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985)

Response to Arguments

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Guillermo Perez
May 17, 2002


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